

AN ORDINANCE

BY COUNCILMEMBERS HOWARD SHOOK AND CLAIR MULLER.

Howard Shook Clair Muller

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AN ORDINANCE TO AMEND SECTION 10-1, ARTICLE I, AND SECTION 10-57, ARTICLE II TO CHAPTER 10 OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, SO AS TO AMEND THE PARKING REQUIREMENTS FOR THOSE LICENSED TO SELL ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages for the public health, safety and welfare;

WHEREAS, the City of Atlanta has been and continues to be a burgeoning international city and destination for visitors from throughout the region, nation and world; and

WHEREAS, because of this destination status, the City of Atlanta has developed a vibrant and successful nightlife culture; and

WHEREAS, this vibrant nightlife culture in the City of Atlanta is manifested and supported by a high concentration and number of nightclubs licensed to sell alcohol;

WHEREAS, the regulation and enforcement of the city's alcohol licensing code requires substantial manpower and monetary resources; and

WHEREAS, the proliferation of nightclubs outside of special entertainment districts contribute to a myriad of problems, including, but not limited to, traffic congestion, lack of police visibility and enforcement, crowd control, and lack of adequate and safe parking;

WHEREAS, there exists a serious public safety concern associated with the concentration of nightclubs and their failure to adequately monitor and supervise the parking lots and areas utilized by their patrons, particularly after 10:00 p.m.

WHEREAS, the current parking requirements found in Chapter 10 of the Code of Ordinances, City of Atlanta, Georgia fails to address the issue of shared parking spots and parking on the right-of-way, creating an ordinance that cannot be enforced uniformly.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1.

The provisions of this ordinance shall apply to all licenses issued by the City pursuant to Chapter 10 of the Code of Ordinances, City of Atlanta, Georgia for all or any part of the calendar year 2005 and beyond.

Section 2.

That the Code of Ordinances is hereby amended by deleting the current paragraph and definition for the term “Adequate Distance” found in Section 10-1, Chapter 10, Article I of the Code of Ordinances, City of Atlanta, Georgia, and inserting in lieu thereof the following language so that said provision of Section 10-1 reads as follows:

Adequate parking means one lawful parking space for each 100 square feet of floor area within the licensed premises. Such parking space shall be exclusively available to the nightclub’s patrons between the hours of 10:00 p.m. and 2:30 a.m. the following day on days on which alcoholic beverages may be lawfully sold for on premises consumption at a nightclub. Parking spaces on a street or within any part of the right-of-way shall not be included within this definition of *adequate parking*.

Section 3.

That the Code of Ordinances is hereby amended by deleting the current language found in Section 10-57(3), Chapter 10, Article II of the Code of Ordinances, City of Atlanta, Georgia, and inserting in lieu thereof the following language so that said provision of Section 10-57(3) reads as follows:

- (3) The applicant for a **nightclub**, other than those nightclubs located within a special entertainment district, does not furnish evidence of adequate parking, as defined by Section 10-1, available to the applicant’s patrons **for the term of the license applied for** and within 400 feet of the proposed **licensed premises**.

Section 4.

If it shall be found that any prior ordinance or parts of any prior ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.